



262743

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS

ANN MUNIZ and ED MUNIZ, ET AL., Plaintiffs

SUBPOENA IN A CIVIL CASE

V.

REXNORD CORPORATION, ET AL.,
Defendants

Case Number: 1:04-cv-02405

TO:

U.S. Environmental Protection Agency, Freedom of Information Officer, U.S. EPA Region 5 (MI-9J),
77 West Jackson Blvd., Chicago, IL 60604-359

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attached Exhibit "A".

PLACE

Levenfeld Pearlstein, LLC, 2 N. LaSalle St., Ste. 1300, Chicago, IL 60602

DATE AND TIME

May 11, 2005 at 9:00 a.m.

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR

Attorney for Plaintiffs

DATE

4/26/05

ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER

James D. Brusslan, Levenfeld Pearlstein, LLC, 2 N. LaSalle St., Ste. 1300, Chicago, IL 60602

PROOF OF SERVICE

DATE	PLACE	Levenfeld Pearlstein, LLC 2 N. LaSalle St., Chicago, IL 60602
SERVED	4/26/05	
SERVED ON (PRINT NAME)		MANNER OF SERVICE US First Class
U.S. Environmental Protection Agency		Certified, Return Receipt Requested
SERVED BY (PRINT NAME)		TITLE
Lisa Komorowski		Legal Secretary Levenfeld Pearlstein, LLC

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/26/05
DATE

Lisa Komorowski
SIGNATURE OF SERVER Lisa Komorowski
Levenfeld Pearlstein, LLC
ADDRESS OF SERVER
2 N. LaSalle St., Chicago, IL 60602

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of

clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

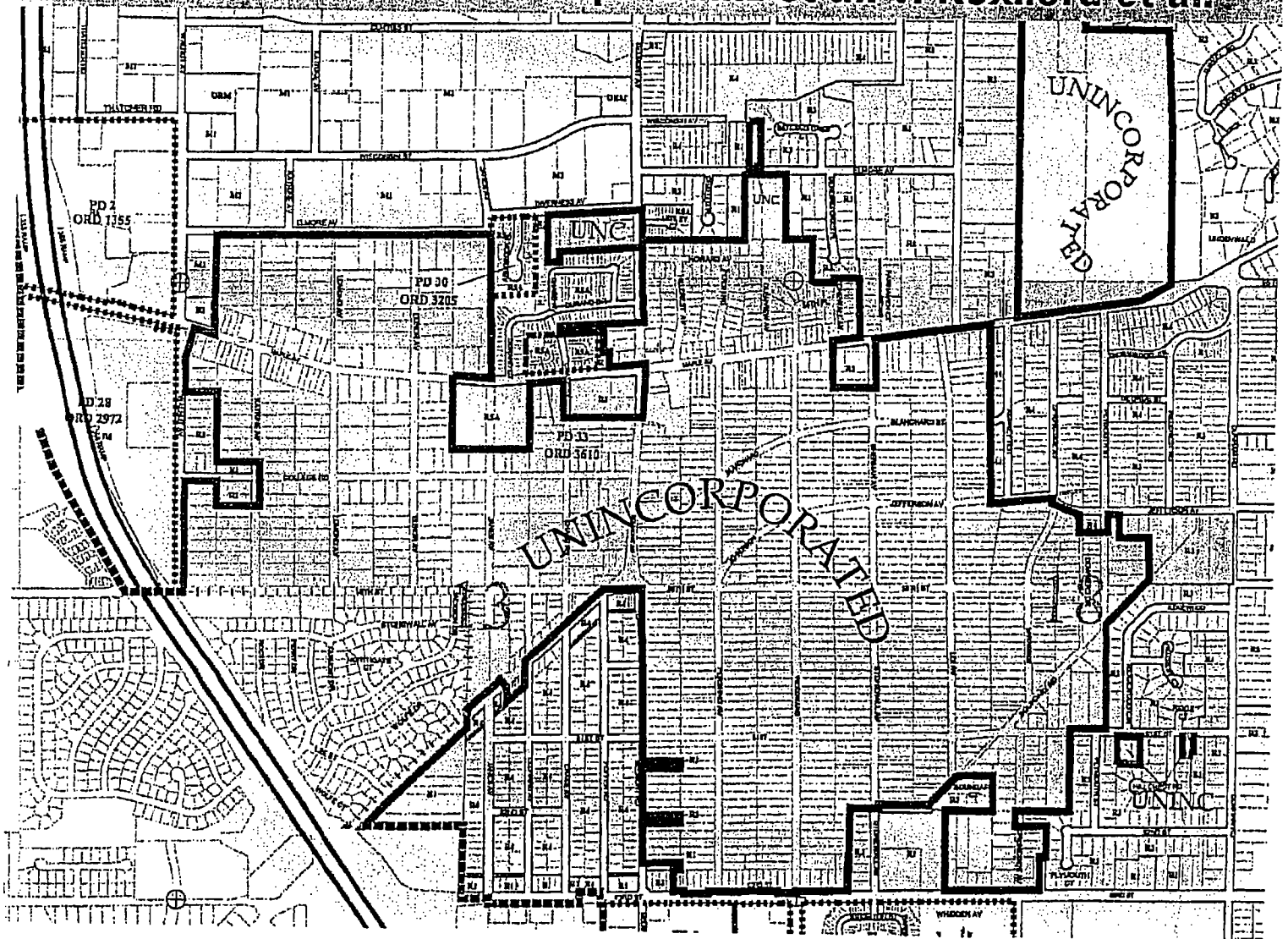
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT "A"

1. All complete, unredacted letters from the Illinois Public Health Department to any Class Area¹ Residents conveying water well sampling results together with enclosed laboratory data (Example - IEPA 002750 attached hereto).
2. All complete, unredacted Field Sampling Data Sheets or similar documents for all water samples taken from water wells in the Class Area at any time containing the sample date, sample identification number, address, time, pH, conductivity and temperature information (Example - IEPA 002739 attached hereto).
3. All complete, unredacted Downers Grove: Private Well Sampling Access documents pertaining to all water wells sampled in the Class Area at any time (Example - IEPA 002733 attached hereto).
4. All complete, unredacted Organic Data Analysis Data Sheets for all water samples taken from water wells in the Class Area at any time, including but not limited to, all concentration data (Example - IEPA 002648 attached hereto).
5. All complete, unredacted Illinois Environmental Protective Agency Chain of Custody Forms or similar documents for all water samples taken from water wells in the Class Area at any time (Example - IEPA 002652 attached hereto).
6. All Electronic Spreadsheet(s) or Data Table(s) (formatted in Excel, Access, or other electronic form) for all water samples taken from water wells and/or monitor wells in the Class Area at any time containing Residence I.D. Number, Name, Address, G-Number Sample Identification, Lab Sample Identification Number, Sample Date, and Constituent Concentrations (Example - IEPA 004128 attached hereto).
7. All Electronic Spreadsheet(s) or Data Table(s) (formatted in Excel, Access, or other electronic form) containing all water or soil sampling point location data defined by lat-long, UTM and/or GIS data for all water or soil samples taken in the Class Area at any time.
8. All GIS data associated with the Class Area, including both surface or sub-surface GIS information.
9. All Electronic Form Spreadsheet(s) or Data Table(s) (formatted in Excel, Access, or other electronic form) containing all data collected from the Class Area (including surface, subsurface and groundwater sampling data) without omissions, redaction or deletion.

¹The Class Area is in the area depicted on the map attached hereto as Exhibit "1".





Illinois Department of
**Public
Health**

George H. Ryan, Governor • John K. Lunsford, M.D., M.P.H., Director

525-535 West Jefferson Street • Springfield, Illinois 62761-0001

#906140101H

November 16, 2001

Dear Resident:

The Illinois Department of Public Health (IDPH) has received the laboratory results of the well water sample collected at your home and analyzed by the Illinois Environmental Protection Agency. Your water was analyzed for 34 volatile organic chemicals (VOCs). The results of the analysis of your water sample showed the following VOCs:

Chemical	Level Detected (in ppb)	MCL (in ppb)
trichloroethene	5.82	5
tetrachloroethene	4.52	5
1,1,1-trichloroethane	0.905	200

ppb = parts per billion, or microgram of chemical per liter of water

MCL = maximum contaminant level — enforceable level established by the U.S. Environmental Protection Agency for public water supplies to reduce the chances of adverse health effects from contaminated drinking water

Because trichloroethene and tetrachloroethene are similar chemicals and are associated with similar adverse health effects, we have added their concentrations and compared this sum with an MCL of 5 ppb. Based on these results, we recommend that you use an alternate drinking water supply or install a water treatment unit designed to remove VOCs. This unit should be certified by the National Sanitation Foundation (NSF) in accordance with NSF standard number 53.

If you have any questions or require any additional information, feel free to contact us at 217-782-5830.

Sincerely,



Ken Runkle
Toxicology Section

cc: Joe Dombrowski, IEPA, IDPH West Chicago Regional Office, DuPage Co. Health Department

~~CONFIDENTIAL~~
rmd

RECEIVED

NOV 19 2001

IEPA/BOL

IEPA002750

Date: 11/14/01

Sample ID # [REDACTED]

Address [REDACTED]

Well Location: According To owner
FRODT

Began Purging Well at: 14:08

Purged 3 gallons every 27 Seconds

Start of Purge:	After <u>5</u> Minutes	After <u>10</u> Minutes	After <u>15</u> Minutes
pH: <u>6.97</u>	pH: <u>6.96</u>	pH: <u>6.94</u>	pH: <u>6.91</u>
Cond: <u>1.25</u>	Cond: <u>1.24</u>	Cond: <u>1.25</u>	Cond: <u>1.25</u>
Temp: <u>15.4</u>	Temp: <u>12.4</u>	Temp: <u>12.1</u>	Temp: <u>12.2</u>

Sample was collected at 1425 (time) from SOUTH SPILT (location) by [Signature]

Sample Appearance: CLEAR

Photo was taken toward the NORTH by [Signature] at 14:30 (time).

Comments:

For Agency Use Only

Sample Date

11/14/01

WELL ID#:

Sampler Initials

To Be Completed by Resident

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Downers Grove: PRIVATE WELL SAMPLING ACCESS

(Please make corrections here if label is incorrect)

NAME:

ADDRESS:

PUBLIC WATER?

PRIVATE WELL?

~30 yds

RESIDENTS: ~~2~~ Adults (over age 18);

Children (Ages: _____)

Expectant Mother? _____

TELEPHONE: (Home: _____)

(Work: _____)

Best time to call _____

Well Location, relative to house?

back yard

DEPTH of WELL?

Do you make use of the well water for:

DRINKING?

Yes

☒ No

COOKING?

Yes

☒ No (poss. some)

BATHING?

☒ Yes

No

Do you use BOTTLED WATER?

☒ Yes

No

Do you use a WHOLE-HOUSE filter?

☒ Yes

No; Type - Fabric (for particles)

Other (kitchen only, etc.) -

Not working

Activated charcoal

Do you use a WATER SOFTENER?

☒ Yes

Not working No

Is there an OUTSIDE, Unfiltered/Unsoftened Spigot/Tap?

☒ Yes

No

Where is it?

on patio, west side of house

(If you have no outside spigot/tap that we can access, we will contact you to make other arrangements).

COMMENTS (Dog/Locked Gate, Etc.):

11/6 water will be on 11/14-15. CF

Permission To Sample Well?

☒ Yes

No

Date

10/24/01

Signature

C. Fuller

[illegible]

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— DRINKING WATER —

3

IEPA002652

Illinois Environmental Protection Agency Chain of Custody

Preservative Codes	Container Description		Pump	LP#	Locality	Cooler Initially Sealed By:	Date Initially Sealed
1. None	Soil	Aqueous	LP52-K88	0430305282	DuPage	NA	NA
2. VOA - HCl	VOC - 2 oz. glass (2)	VOC - 40 mL glass (2)	Site:	Site Name:	Project Manager:	Phone Number:	Initial Cooler Seal:
3. Metals - HNO3	SVOC - 8 oz. glass (1)	SVOC, Pesticides - 80 oz amber glass (1)					
4. Cyanide - NaOH	Pesticides - 8 oz. glass (1)	Inorganics - 1 qt. plastic (1)		Downers Grove GW Invt.	Joe Dombrowski	217/558-2584	NA
5. Other:	Inorganics - 16 oz. glass (1)	* duplicate (1 out of 10)					
6. Other:							

Lab Sample No.	Parameter Group	Field Sample Number	Matrix	No. of Bottles	Date Collected	Time Collected (24 hr clock)	Sampler's Initials	Special Notations	Legal
									Hold Y or N
CR0110240942	X	G-700	Drinking Water	2	10/23/01	11:48 AM	AL		
0943	X	G-701	Drinking Water	2	10/23/01	12:22	TMH		
0944	X	G-702	Drinking Water	2	10/23/01	13:26	TMH		
0945	X	G-703	"	"	"	13:57	TMH		
0946	X	G-704	"	"	"	14:27	TMH		
0947	X	G-705	"	"	"	15:11	TMH		
0948	X	G-706	"	"	"	15:41	TMH		
0949	X	G-707	"	"	"	16:08	TMH		
0950	X	G-708	"	"	"	16:48	TMH		
0951	X	G-709	"	"	"	17:22	TMH		
0952	X	TB1	"	"	"	17:22	AL		

RELEASEABLE

APR 2 2002

REVIEWER MD

ICL-1371

Cooler Opened by:				Seal No.:	Date:	Time:	Intact	Cooler Sealed By:				Seal No.:	Date:	Time:
Joe Dombrowski				Sealed Box	10/15/01	8:30 AM	Y/N	Jody Kershaw				0000151	10/24/01	7:00

Received for Lab by:				Seal No.:	Date:	Time:	Intact	Sample Courier:			
Candace Shumaker				0000151	10/24/01	10:15	Y/N	ILLINOIS EPA personnel			
Lab Comments:				Turnaround Time Requested:				14 - DAYS			
Supervisor Releasing Results:				Samplers:				JASON CROMPTON, Todd Hall			

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MD

Private Well Summary Data
Downers Grove, Illinois

Residence ID Number	First Name	Last Name First	Address	City	State	ZIP	Sample ID	Sample Date	PCE (ug/l)	TCE (ug/l)	DCE (ds-1,2) (ug/l)	1,1,1-TCA (ug/l)	1,2-DCA (ug/l)	1,1-DCE (ug/l)	1,1-DCA (ug/l)	VC (ug/l)	MTBE (ug/l)	Chloroform (ug/l)
1023							G-418	09/11/01	1.76	10.1	0.008	1.11	ND	ND	ND	ND	ND	ND
1023							G-418	07/17/02	1.5	8.8	ND	0.91	ND	ND	ND	ND	ND	ND
1023							G-418	07/17/02	1.7	8.8	ND	0.8	ND	ND	ND	ND	ND	ND
1025							G-417	09/12/01	1.58	9.28	ND	0.919	ND	ND	ND	ND	ND	ND
1024							G-418	09/12/01	1.3	5.52	ND	0.948	ND	ND	ND	ND	ND	ND
1032							G-441	09/12/01	2.25	8.22	ND	0.524	ND	ND	ND	ND	ND	ND
1032							G-440	09/12/01	1.5	6.78	ND	0.907	ND	ND	ND	ND	ND	ND
1032							G-439	09/12/01	1.59	8.68	ND	0.78	ND	ND	ND	ND	ND	ND
1001							G-438	08/12/01	1.7	9.71	ND	0.77	ND	ND	ND	ND	ND	ND
1060							G-762	01/15/02	2.68	8.61	0.588	0.701	ND	ND	ND	ND	ND	ND
1079							G-437	09/12/01	3.18	10.2	8.67	0.71	ND	ND	ND	ND	ND	ND
1087							G-436	09/12/01	1.81	8.88	ND	0.704	ND	ND	ND	ND	ND	ND
1030							G-435	09/12/01	7.11	8.39	ND	0.748	ND	ND	ND	ND	ND	ND
1029							G-434	09/12/01	8.41	8.83	ND	1.21	ND	ND	ND	ND	ND	ND
1068							G-433	09/12/01	3.14	9.5	0.555	0.715	ND	ND	ND	ND	ND	ND
1085							G-432	09/12/01	3.71	8.38	ND	ND	ND	ND	ND	ND	ND	ND
1084							G-431	09/12/01	4.11	0.051	0.518	0.857	ND	ND	ND	ND	ND	ND
1175							G-430	09/12/01	8.37	8.74	ND	0.891	ND	ND	ND	ND	ND	ND
1083							G-429	09/12/01	3.93	7.32	ND	0.718	ND	ND	ND	ND	ND	ND
1270							G-685	10/17/01	4.9	8.5	ND	0.793	ND	ND	ND	ND	ND	ND
1174							G-428	09/13/01	5.85	5.93	ND	0.956	ND	ND	ND	ND	ND	ND
1173							G-427	09/13/01	6.79	6.33	ND	1.1	ND	ND	ND	ND	ND	ND
1344							G-734	11/14/01	7.66	8.37	ND	1.11	ND	ND	ND	ND	ND	ND
1052							G-426	09/12/01	0.14	8.18	ND	1.4	ND	ND	ND	ND	ND	ND
1155							G-425	09/12/01	7.07	8.7	ND	1.17	ND	ND	ND	ND	ND	ND
1154							G-474	09/12/01	8.89	4.98	ND	0.55	ND	ND	ND	ND	ND	ND
1271							G-398	10/17/01	8.03	5.18	ND	1.71	ND	ND	ND	ND	ND	ND
1103							G-458	09/13/01	7.31	0.04	ND	1.47	ND	ND	ND	ND	ND	ND
1104							G-458	09/13/01	8.44	5.5	ND	1.87	ND	ND	ND	ND	ND	ND
1027							G-457	09/12/01	7.57	5.34	ND	1.34	ND	ND	ND	ND	ND	ND
1272							G-397	10/17/01	7.52	8.22	ND	1.51	ND	ND	ND	ND	ND	ND
1008							G-455	09/12/01	8.87	4.31	ND	1.28	ND	ND	ND	ND	ND	ND
1102							G-454	09/12/01	8.02	5.25	ND	1.48	ND	ND	ND	ND	ND	ND
1120							G-453	09/13/01	8.48	5.27	ND	1.22	ND	ND	ND	ND	ND	ND
1123							G-452	09/13/01	5.37	4.63	ND	1.23	ND	ND	ND	ND	ND	ND
1124							G-451	09/13/01	5.81	4.82	ND	1.12	ND	ND	ND	ND	ND	ND
1123							G-450	09/13/01	8.28	4.82	ND	1.19	ND	ND	ND	ND	ND	ND
1122							G-449	09/13/01	5.31	4.87	ND	1.48	ND	ND	ND	ND	ND	ND
1158							G-511	09/14/01	5.54	4.83	ND	1.23	ND	ND	ND	ND	ND	ND
1121							G-447	09/13/01	6.49	6.32	ND	1.34	ND	ND	ND	ND	ND	ND
1120							G-446	09/13/01	8.29	6.3	ND	1.43	ND	ND	ND	ND	ND	ND
1246							G-895	10/18/01	4.87	4.36	ND	1.41	ND	ND	ND	ND	ND	ND
1119							G-445	09/13/01	5.21	5.05	ND	1.54	ND	ND	ND	ND	ND	ND
1118							G-444	09/13/01	8.88	3.99	ND	1.02	ND	ND	ND	ND	ND	ND
1117							G-443	09/13/01	3.57	3.88	ND	1.19	ND	ND	ND	ND	ND	ND
1116							G-442	09/13/01	4.79	4.08	ND	1.04	ND	ND	ND	ND	ND	ND
1273							G-598	10/17/01	8.88	8.75	ND	1.31	ND	ND	ND	ND	ND	ND
1274							G-599	10/17/01	8.28	8.48	ND	1.18	ND	ND	ND	ND	ND	ND
1275							G-600	10/17/01	4.51	4.38	ND	0.88	ND	ND	ND	ND	ND	ND
1276							G-601	10/17/01	5.69	4.58	ND	1.25	ND	ND	ND	ND	ND	ND
1342							G-732	11/14/01	8.32	5.08	ND	1.33	ND	ND	ND	ND	ND	ND
1347							G-898	10/18/01	5.8	4.78	ND	1.41	ND	ND	ND	ND	ND	ND
1203							G-602	10/17/01	6.42	4.29	ND	1.38	ND	ND	ND	ND	ND	ND
1347							G-603	10/17/01	5.42	4.87	ND	1.27	ND	ND	ND	ND	ND	ND
1384							G-734	12/17/01	4.91	3.81	ND	1.02	ND	ND	ND	ND	ND	ND
1285							G-804	10/17/01	4.83	4.25	ND	1.14	ND	ND	ND	ND	ND	ND
1286							G-805	10/17/01	4.48	4.28	ND	1.45	ND	ND	ND	ND	ND	ND
1287							G-606	10/17/01	8.23	4.88	ND	1.37	ND	ND	ND	ND	ND	ND
301							G-607	10/17/01	3.1	4.7	ND	1.33	ND	ND	ND	ND	ND	ND
320							G-338	03/07/01	ND	1.09	ND	ND	ND	ND	ND	ND	ND	ND
767							G-357	03/07/01	ND	0.887	ND	ND	ND	ND	ND	ND	ND	ND
323							G-354a	05/08/01	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
934							G-379c	03/07/01	ND	0.588	ND	ND	ND	ND	ND	ND	ND	ND
1150							G-341	09/13/01	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
924							G-255	07/17/01	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
1219							G-631	10/16/01	1.15	2.3	ND	1.07	ND	ND	ND	ND	ND	ND
1220							G-632	10/16/01	1.43	2.8	ND	1.18	ND	ND	ND	ND	ND	ND
1015							G-378	09/14/01	ND	2.13	ND	0.717	ND	ND	ND	ND	ND	ND
1221							G-632	10/16/01	0.575	2.08	ND	0.9	ND	ND	ND	ND	ND	ND
1222							G-634	10/16/01	0.555	2.15	ND	0.742	ND	ND	ND	ND	ND	ND
1223							G-633	10/16/01	1.37	2.5	ND	1.13	ND	ND	ND	ND	ND	ND
1234							G-638	10/16/01	0.875	2.19	ND	0.833	ND	ND	ND	ND	ND	ND
1016							G-379	09/11/01	5.11	4.27	ND	1.88	ND	ND	ND	ND	ND	ND
1066							G-360	09/12/01	2.84	3.78	ND	1.24	ND	ND	ND	ND	ND	ND
1231							G-678	10/16/01	0.759	2	ND	0.763	ND	ND	ND	ND	ND	ND
1232							G-639	10/16/01	1.82	2.69	ND	0.869	ND	ND	ND	ND	ND	ND
1233							G-640	10/16/01	1.8	2.27	ND	0.809	ND	ND	ND	ND	ND	ND
1234							G-641	10/16/01	3.48	3.98	ND	1.81	ND	ND	ND	ND	ND	ND
1235							G-642	10/16/01	2.89	3.41	ND	0.907	ND	ND	ND	ND	ND	ND